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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 BILLY MINH TA (8),

14 Defendant.

Case No. 14cr0225-MMA-8

**PRELIMINARY ORDER OF  
CRIMINAL FORFEITURE**

15  
16 WHEREAS, in the Superseding Indictment and Bill of Particulars in the  
17 above-captioned case, the United States sought forfeiture of all right, title and interest  
18 in specific properties of the above-named Defendant, BILLY MINH TA (8)  
19 ("Defendant"), pursuant to Title 21, United States Code, Section 853, as properties  
20 constituting, or derived from, any proceeds Defendant obtained directly or indirectly,  
21 as the result of the violations, as well as any properties used or intended to be used to  
22 facilitate the commission of, the violation of Title 21, United States Code, Sections  
23 841(a)(1) and 846; as well as all properties involved in the violation of Title 18,  
24 United States Code, Sections 922(g)(1) and 924(a)(2), and forfeitable pursuant to  
25 Title 18, United States Code, Section 924(d) and Title 28, United States Code,  
26 Section 2461(c), as charged in the Superseding Indictment; and

27 WHEREAS, on or about October 8, 2015, Defendant pled guilty before  
28 Magistrate Judge Karen S. Crawford to Counts 1 and 5 of the Superseding

1 Indictment, which plea included consents to the forfeiture allegations of the  
 2 Indictment, including forfeiture of the following:

- 3 a. a Smith & Wesson Model 4013 semi-automatic handgun with
- 4 serial number VBJ3320,
- 5 b. a Springfield Arms Model XD-40 semi-automatic handgun with
- 6 serial number XD566127,
- 7 c. \$1,620.00 in U.S. Currency found on person of Billy Ta at time of
- 8 his arrest on February 5, 2014,
- 9 d. \$7,000.00 in U.S. Currency hidden under a carpet on the closet
- 10 floor of Billy Minh Ta's residence located at 5223 Quince Street,
- 11 San Diego CA,
- 12 e. Trijicon Model SPR-1.5 La Rue Tactical Scope, found in a rifle
- 13 box in the closet of Billy Minh Ta's residence located at 5223
- 14 Quince Street, San Diego CA,
- 15 f. Rifle Butt Stock found in a rifle box in the closet of Billy Minh
- 16 Ta's residence located at 5223 Quince Street, San Diego CA,
- 17 g. One Silver 2010 Audi S4, CA License 6NDH304, VIN
- 18 WAUEFAFLXAN048246, and
- 19 h. Sixty-nine (69) Assorted cards with various values, found at
- 20 5223 Quince Street, San Diego CA, on February 5, 2014:

Chili's gift cards	41
Prepaid debit cards	25
Gift cards	2
Viejas card	1; and

21 WHEREAS, on November 4, 2015, this Court accepted the guilty plea of  
 22 Defendant; and

23 WHEREAS, by virtue of the facts set forth in the plea agreement and forfeiture  
 24 addendum, the United States has established the requisite nexus between the forfeited  
 25 properties and the offense; and

26 WHEREAS, by virtue of said guilty plea, the United States is now entitled to  
 27 possession of the above-referenced properties, pursuant to 18 U.S.C. § 924(d),  
 28 28 U.S.C. § 2461(c), 21 U.S.C. § 853 and Rule 32.2(b) of the Federal Rules of  
 Criminal Procedure; and

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1 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the  
2 authority to take custody of the above-referenced properties which were found  
3 forfeitable by the Court; and

4 WHEREAS, the United States, having submitted the Order herein to the  
5 Defendant through his attorney of record, to review, and no objections having been  
6 received;

7 Accordingly, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

8 1. Based upon the guilty plea of the Defendant, all right, title and interest  
9 of Defendant BILLY MINH TA (8) in the following properties (a, b and h), which  
10 are currently in the possession of the San Diego Police Department, are hereby  
11 forfeited to the United States. The Court orders that the San Diego Police  
12 Department shall dispose of these forfeited assets according to law, when no longer  
13 needed for evidence:

- 14 a. a Smith & Wesson Model 4013 semi-automatic handgun with  
15 serial number VBJ3320,
- 16 b. a Springfield Arms Model XD-40 semi-automatic handgun with  
serial number XD566127,
- 17 h. Sixty-nine (69) Assorted cards with various values, found at  
18 5223 Quince Street, San Diego CA, on February 5, 2014:

19	Chili's gift cards	41
20	Prepaid debit cards	25
	Gift cards	2
	Viejas card	1

21

22 2. Based upon the guilty plea of the Defendant, the United States is hereby  
23 authorized to take custody and control of the following assets, and all right, title and  
24 interest of Defendant BILLY MINH TA (8) in the following properties (c through g)  
25 are hereby forfeited to the United States for disposition in accordance with the law,  
26 subject to the provisions of 21 U.S.C. § 853(n):

- 27 c. \$1,620.00 in U.S. Currency found on person of Billy Ta at time of  
28 his arrest on February 5, 2014,

- d. \$7,000.00 in U.S. Currency hidden under a carpet on the closet floor of Billy Minh Ta's residence located at 5223 Quince Street, San Diego CA,
- e. Trijicon Model SPR-1.5 La Rue Tactical Scope, found in a rifle box in the closet of Billy Minh Ta's residence located at 5223 Quince Street, San Diego CA,
- f. Rifle Butt Stock found in a rifle box in the closet of Billy Minh Ta's residence located at 5223 Quince Street, San Diego CA,
- g. One Silver 2010 Audi S4, CA License 6NDH304, VIN WAUEFAFLXAN048246.

3. The aforementioned forfeited assets (c through g) are to be held by the United States Customs and Border Protection in its secure custody and control.

4. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to begin proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights of third parties. The Court shall conduct ancillary proceedings as the Court deems appropriate only upon the receipt of timely third party petitions filed with the Court and served upon the United States. The Court may determine any petition without the need for further hearings upon the receipt of the Government's response to any petition. The Court may enter an amended order without further notice to the parties.

5. Pursuant to the Attorney General's authority under Section 853(n)(1) of Title 21, United States Code, Rule 32.2(b)(6), Fed. R. Crim. P., and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall publish for thirty (30) consecutive days on the Government's forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, notice of the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in the above-listed forfeited properties must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

1           6. This notice shall state that the petition shall be for a hearing to  
2 adjudicate the validity of the petitioner's alleged interest in the property, shall be  
3 signed by the petitioner under penalty of perjury, and shall set forth the nature and  
4 extent of the petitioner's right, title or interest in the forfeited property and any  
5 additional facts supporting the petitioner's claim and the relief sought.

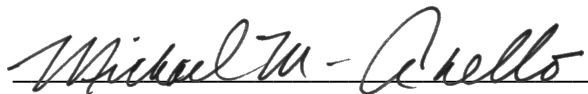
6           7. The United States may also, to the extent practicable, provide direct  
7 written notice to any person known to have alleged an interest in the properties that  
8 are the subject of the Preliminary Order of Criminal Forfeiture, as a substitute for  
9 published notice as to those persons so notified.

10          8. Upon adjudication of all third-party interests, this Court will enter an  
11 Amended Order of Forfeiture pursuant to 21 U.S.C. § 853(n) as to the  
12 aforementioned assets (c through g), in which all interests will be addressed.

13          9. Pursuant to Rule 32.2(b)(4), this Order of Forfeiture shall be made final  
14 as to the Defendant at the time of sentencing and is part of the sentence and included  
15 in the judgment.

16           **IT IS SO ORDERED.**

17   DATE: January 4, 2016

  
HON. MICHAEL M. ANELLO  
United States District Judge